

Assignments in the Region 2 Plans under the provisions of Article 4 of Appendix 30 and Article 4 of Appendix 30A so that they reflect the characteristics of the implemented systems. Significantly, this approach does not require any action at either WRC-95 or WRC-97; it can be initiated with a communication from the U.S. Administration to the Radio Regulatory Board in the ITU Radiocommunications Bureau. Meanwhile, it might be appropriate for U.S. delegates to CPM-95 to explore with their Region 1 and 3 counterparts the extent to which Region 1 and 3 administrations may be willing to negotiate revised inter-regional sharing criteria that would in practice protect U.S. systems absent permanent modifications to the Plan.

In response to paragraph 82 of the Notice, Hughes has taken note of the work being conducted by ITU-R Working Party 10-11S in preparation for WRC 95 agenda items 1 and 3a. In particular, we note that Working Party 10-11S actively opposes the VGE proposed procedure for modification of a Plan (Article S10 of the VGE Report).^{15/} It has also provided solid technical and regulatory bases for the actions to be taken under item 3A.^{16/}

Paragraph 82 of the Notice also seeks comments on whether the U.S. should propose to WRC-95 that WRC-97 be given appropriate limited competence to revise the Radio Regulations to ensure that certain recommendations apply to Region 2; namely, the WP 10-11S suggestions to change Appendix 30/30A and Resolution 42 to modify inter-regional sharing criteria as well as service implementation procedures and methods to provide

^{15/} ITU-R Document 10-11S/TEMP/40 (Rev 1), at Sec. 2.8, and ITU-R Document CPM-95/6 (the draft CPM Report) at Appendix 1, Annex 2, Section 6.

^{16/} ITU-R Document 10-11S/TEMP/40 (Rev 1) and ITU-R Document CPM-95/6 at Chapter 3 (Part C) and Appendix 1.

additional flexibility to accommodate new DBS technologies and services. Hughes has not examined all of the suggestions for improving the Region 2 and 3 Plans that are discussed in the WP10-11S and CPM documents cited above, and it is possible that some of the suggestions potentially might improve the flexibility of the service implementation procedures of the Region 2 Plans.

Nonetheless, Hughes believes that the United States should be very cautious about extending limited competence to WRC-97 to revise the Radio Regulations for Region 2 beyond possible reciprocal modifications to the inter-regional sharing criteria. The reasons are as follows:

- a) Most of the proposals for modifying the Region 1 and 3 Plans were aimed at overcoming inherent inflexibilities of those Plans to make it possible to accommodate assignments for new countries, and new regional groupings of countries, and to provide larger numbers of channels to each service area. Most of these motivations are absent in Region 2.
- b) The Region 2 Plans and the associated procedures (including those of Resolution 42) already provide the flexibility and capacity to accommodate new DBS technologies and services without revising the Radio Regulations.
- c) As an administration of Region 2 with territories in Region 3, the U.S. can already participate fully in the revision of Appendices 30 and 30A at WRC-97 and can play a major role in the rewriting of the inter-regional sharing criteria without seeking additional competence in the WRC-97 agenda.
- d) If major elements of the Region 2 part of Appendices 30/30A are proposed at WRC-95 for consideration at WRC-97, it might be difficult to avoid the addition of other Region 2 provisions of the Appendices, including the Plans themselves. If this were to happen, the burden of preparing for WRC 97 would become much heavier, and the U.S. would face the possibility of losing some of the capacity in the Plans that it now enjoys.

While Hughes has the foregoing concerns, Hughes intends to reevaluate these issues as the United States develops a more definitive proposal regarding the specific aspects of the Region 2 provisions of Appendices 30 and 30A that it would refer to WRC-97.


V. Conclusion

WRC-95 will address a number of allocation issues that have significant ramifications for the future development of many types of new satellite systems, both GSO and non-GSO. Hughes strongly recommends that the United States adopt a position that provides the greatest ability for multiple satellite systems to use the same frequency band. In particular, Hughes urges the Commission to encourage the development of sharing criteria between non-GSO and GSO systems that will maximize the use of the spectrum. In addition, Hughes urges the Commission to continue to support the existing FSS allocation of 13.75-14.0 GHz and to protect the current U.S. DBS systems against changes to the Region 1 and 3 BSS Plans.

Respectfully submitted,

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